

Louis Flores
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23 February 2017

Honorable John Koeltl, United States District Judge,
United States District Court - Southern District of New York,
500 Pearl Street,
New York, New York 10007-1312.

Dear Hon. Judge Koeltl :

Re : **Louis Flores v. United States Department of Justice**
No. 17-CV-0036 (Koeltl, J.)

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On 22 February 2017, Defendant filed a Letter Motion, seeking an extension of time to file the Answer to the Complaint. (Dkt. No. 6). Because Assistant U.S. Attorney Rebecca Tinio was not able to collect final sign-off on the draft Answer from the Executive Office for United States Attorneys and from U.S. Attorney Preet Bharara before she took a leave of absence, Assistant U.S. Attorney Andrew Krause signed the Letter Motion on behalf of U.S. Attorney Bharara. (Dkt. No. 6 at 1). This means that U.S. Attorney Bharara is having a say in the litigation that will determine records and indices of his speeches this Court compels Defendant to release. Plaintiff would like the Court to determine if there is any conflict of interest in this arrangement.

Plaintiff would like to apply for permission to make a brief, 3-page Letter Motion to this Court, requesting the entry of an Order that compels U.S. Attorney Bharara to recuse himself from overseeing this FOIA litigation. In the United States Attorneys' Manual, there is a section that indicates that when a personal interest exists in litigation, a U.S. Attorney must recuse himself or herself. The relevant section is as follows :

3-2.170 – Recusals. When United States Attorneys, or their offices, become aware of an issue that could require a recusal in a criminal or civil matter or case **as a result of a personal interest** or professional relationship with parties involved in the matter, they must contact General Counsel's Office (GCO), EOUSA. The requirement of recusal does not arise in every instance, but only where a conflict of interest exists or **there is an appearance of a conflict of interest or loss of impartiality.**

A United States Attorney who becomes aware of circumstances that might necessitate his or her recusal or that of the entire office, should promptly notify GCO, EOUSA, at (202) 252-1600 to discuss whether a recusal is required. If recusal is appropriate, the USAO will submit a written recusal request memorandum to GCO. GCO will then coordinate the recusal action, obtain necessary approvals for the recusal, and assist the office in

arranging for a transfer of responsibility to another office, including any designations of attorneys as a Special Attorney or Special Assistant to the Attorney General (*see* USAM 3-2.300) pursuant to 28 U.S.C. Sec. 515.
See USAP 3-2.170.001 (M). (emphasis added)

See U.S. Dep't of Justice, United States Attorneys' Manual § 3-2.170.

Furthermore, Plaintiff would like to know whether and when a discussion was made pursuant to the United States Attorneys' Manual wherein a determination was made that a recusal was or was not required.

Because Plaintiff is appearing *pro se*, Plaintiff requests that the Court kindly approve Plaintiff's application to file a Letter Motion, to set the deadlines by which responses would be required, and to compel Defendant to provide information to Plaintiff and to the Court about recusal determinations made pursuant the United States Attorneys' Manual.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis Flores", written in a cursive style.

Louis Flores

cc : Andrew Krause, Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS FLORES,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

17-CV-0036 (JK)

**AFFIRMATION
OF SERVICE**

I, **LOUIS FLORES**, declare under penalty of perjury that I have served a copy of the attached **PLAINTIFF'S APPLICATION TO FILE A LETTER MOTION REGARDING RECUSAL** upon **ANDREW KRAUSE** by **FIRST CLASS U.S. MAIL** to : c/o United States Attorney's Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York 10007, and by **E-MAIL DELIVERY** to : andrew.krause@usdoj.gov.



Dated : Jackson Heights, New York
23 February 2017

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